

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

VIRGINIA HOPPER,)	
)	
Plaintiff/Counterclaim Defendant,)	Removed from the Circuit Court
)	of Montgomery County, Alabama
)	Civil Action No.: CV-07-628
v.)	*****
)	Case No.: 2:07-cv0457-MEF
JACKIE GRAHAM, et al.,)	
)	
Defendants/Counterclaim Plaintiffs.)	

RESPONSE AND OBJECTION BY DEFENDANTS
TO PLAINTIFF’S MOTION TO COMPEL

COME NOW Defendants “Alabama State Personnel Department” (named in the Complaint as “The Personnel Board of the State of Alabama”) and Jackie Graham and respond and object to Plaintiff’s Motion to Compel said Defendants to fully respond to Plaintiff’s Request for Production as follows:

1. Plaintiff has failed to comply with Rule 37(a)(1) of the *Federal Rules of Civil Procedure* because Plaintiff failed to include a certification that counsel for the Plaintiff has in good faith conferred or attempted to confer with counsel for said Defendants in an effort to resolve the discovery matters without court action.

2. The undersigned counsel for said Defendants is certainly willing to schedule a convenient time with plaintiff’s counsel to discuss and attempt to resolve the issues made the subject of Plaintiff’s Motion to Compel. The direct dial telephone number for the undersigned counsel is 334-353-0046.

Respectfully submitted this the 11th day of April 2008.

s/ Joana S. Ellis

JOANA S. ELLIS (ELL014)

ALICE ANN BYRNE (BYR015)

Attorneys for

Defendants/Counterclaim Plaintiffs

OF COUNSEL:

State Personnel Department
Legal Division
64 North Union Street
Folsom Administrative Bldg.
Suite 316
Montgomery, Alabama 36130
Telephone: (334) 353-0046
Facsimile: (334) 353-4481
Email: joana.ellis@personnel.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing and/or that a copy of the foregoing has been served upon the following by placing a copy in the United States mail, properly addressed and postage prepaid on this the 11th day of April 2008.

Jim L. DeBardelaben, Esq.
Attorney at Law
Post Office Box 152
Montgomery, Alabama 36101-0152
jimdebard@aol.com

Michael Joiner, Esq.
Joel Marsh, Esq.
Alabama Department of Human Resources
Post Office Box 30400
Montgomery, Alabama 36130
mjoiner@dhr.state.al.us
jmarsh@dhr.state.al.us

s/ Joana S. Ellis

OF COUNSEL